

REMARKS

Claims 1-22 are pending. Claims 1-6, and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis, et al. (5,542,035) (hereinafter "Kikinis"). Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Vossler (6,317,593) (hereinafter "Vossler") and/or Vong, et al. (6209011) (hereinafter "Vong"). Applicants respectfully submit that the claims are patentable over the art of record for the reasons articulated below.

Applicants Traverse Claim Rejections Under 35 U.S.C. § 103

Claims 1-6, and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis. Applicants respectfully traverse the rejection under 35 U.S.C. § 103.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). When the examiner or the Board rely on what they assert to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. *In re Lee*, 61 USPQ2d 1430 (CA FC 2002).

Regarding claims 1 and 6, Kikinis (as cited by the Office Action) fails to teach or suggest an appointment register configured to store and retrieve time data including the second set of

data. Rather, Kikinis discloses TCPM routines in the BIOS that are configured to adjust startup times according to specific events. Kikinis provides two examples of such specific events (col. 3, lines 51-64 and col. 4, lines 3-10). The specific events provided in both examples are incidental user activity, which is monitored by the routine. In the first example, the user activity (or, rather, the lack thereof) is used to adjust the shutdown time. In the second example, the user activity is used to (without human intervention) adjust the startup time by creating a record of past user activity (i.e., logging the time at which a user starts to use a computer). This teaches away from the limitation of an appointment register, in which a user personally enters time data regarding future appointments for storage in the appointment register. This distinction is significant from the asserted prior art because future start times of claim 1 can be adjusted based upon appointments that are scheduled for the future. The office action has not articulated any motivated combination of general knowledge and Kikinis to supply the limitation of the appointment register. Furthermore, no reasonable expectation of success has been made of record for using an appointment register for storing and retrieving time data including the second set of data.

Also regarding claims 1 and 6, Kikinis (as cited by the Office Action) fails to teach or suggest a second set of data including other times that can be stored in and retrieved from an appointment register and can be used by an application to determine an earlier time for awakening a system from standby mode. Rather, Kikinis discloses recording starting times of past user activity. Kikinis does not store (or retrieve) starting times from an appointment register. Instead, Kikinis discloses using BIOS routines to make a record of the times in which a user starts to use a computer. This teaches away from the limitation of an appointment register containing a second set of data including other times in which a user can manually enter the

other times (of appointments, for example) that are expected in the future. This distinction from the prior art is significant because the second set of data can be retrieved from an appointment calendar (rather from historic user activity), and thus is more likely to correctly predict when a powered down system should be awakened. The office action has not articulated any motivated combination of general knowledge and Kikinis to supply the limitation of a second set of data including other times that can be stored in and retrieved from an appointment register and can be used by an application to determine an earlier time for awakening a system from standby mode. Furthermore, no reasonable expectation of success has been made of record for using an appointment register for storing and retrieving time data including the second set of data and to use an application that uses the other times to determine an earlier time for awakening a system from standby mode.

Further regarding claims 1 and 6, Kikinis (as cited by the Office Action) fails to teach or suggest an application that uses one of the other times to bring the system out of the low power consumption state at substantially the earlier of the wake time or one of the other times. Rather, Kikinis discloses using TCPM routines in BIOS that use recorded historic user activity to adjust the wake and sleep times. Thus, Kikinis does not use one of the other times from the second set of data that is stored in and retrieved from an appointment register to adjust the wake time. As discussed above, this distinction from the prior art is significant because the second set of data can be retrieved from an appointment calendar (rather from historic user activity), which is more likely to correctly predict when a powered down system should be awakened. The office action has not articulated any motivated combination of general knowledge and Kikinis to supply the limitation of an application that uses one of the other times to bring the system out of the low power consumption state at substantially the earlier of the wake time or one of the other times.

Furthermore, no reasonable expectation of success has been made of record for using an application that uses one of the other times to bring the system out of the low power consumption state at substantially the earlier of the wake time or one of the other times.

For at least the reasons stated above, Applicants respectfully submit that the rejection of independent claim 1 (and dependent claim 6) is improper and that independent claim 1 and dependent claim 6 are allowable.

Regarding claim 2, Kikinis (as cited by the Office Action) fails to teach or suggest an application that is configured to bring the mobile device out of the low power consumption state if the mobile device has been shut off by the switch. Rather, Kikinis teaches the use of simple timer switches in an inflexible power conservation system (col. 1, lines 35-46). Indeed, the switches of Kikinis apparently cut all power to the system such that the system is in a "no power mode" from which the BIOS routines could not function. This teaches away from an application working in conjunction with a switch to bring the mobile device out of a low power consumption state. Thus, the rejection of dependent claim 2 is improper and dependent claim 2 is allowable. Dependent claim 2 is also allowable at least for the reasons given for the claim from which it depends.

Regarding claim 3, Kikinis (as cited by the Office Action) fails to teach or suggest a user interface configured to receive the second set of data. Rather, Kikinis teaches the use of a user interface to allow a user to modify the parameters of Figures 2 and 3 of Kikinis, which only address the first set of data. Kikinis does not teach or suggest that the UI could provide the other times in the second set of data as required by claim 3. Kikinis instead teaches away from manual entry of the other times in the second set of data by providing routines that **automatically** record user history to modify a wake time. Thus, the rejection of dependent claim 3 is improper and

dependent claim 3 is allowable. Dependent claim 3 is also allowable at least for the reasons given for the claim from which it depends.

Regarding claims 4-5, Kikinis (as cited by the Office Action) fails to teach or suggest a user interface configured to provide a countdown mechanism to allow an abort signal to be sent to the application prior to putting the mobile device into the low power consumption state. Rather, Kikinis teaches using TCPM routines to automatically update the earlier or later shutdowns. In fact, Kikinis teaches, "Shutdown only then occurs if a period of time passes greater than 5 minutes without user input." Col. 3, lines 62-64. This teaches away from providing a user interface configured to provide a countdown mechanism to allow an abort signal to be sent to the application prior to putting the mobile device into the low power consumption state. Thus, the rejection of dependent claims 4-5 is improper and dependent claims 4-5 are allowable. Dependent claims 4-5 are also allowable at least for the reasons given for the claims from which they depend.

Claims 10-22 recite method steps substantially corresponding to the system claims 1-6, although claims 10-22 are substantially different in other ways. Thus, the rejection of claims 10-22 is improper and claims 10-22 are submitted to be allowable for at least the reasons given above for system claims 1-6.

Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Vossler and/or Vong.

Regarding claims 7-9, the combination of Kikinis and Vossler (as cited by the Office Action), fails to teach or suggest the other times at which occurs a predetermined event that includes at least one of an appointment time, a meeting time, and an expiration time. As discussed above, Kikinis fails to teach the other times. Rather, Kikinis teaches recording times

of incidental user activity to adjust start times. Vossler teaches a scheduler for automatic function activation/deactivation. Vossler further teaches the ability to set preprogrammed alarms for displaying short messages. Thus Vossler teaches that a user has to manually instruct the cell phone scheduler specifically for each predetermined event for the purpose of automatic function activation/deactivation. This teaches away from the limitations recited by claims 7-9 where the predetermined events are culled from appointment times, meeting times, and expiration times in an appointment register. Thus, the rejection of claims 7-9 under a combination of Kikinis and Vong is improper and claims 7-9 are allowable. Claims 7-9 are also allowable at least for the reasons given for the claims from which they depend.

Also regarding claims 7-9, the combination of Kikinis and Vong has been cited by the Office Action as a §102(a)/§103(a) reference. As made of record in the accompanying declaration, the date of invention of the present invention is before the publication date of the Vong reference, which is March 27, 2001. The declaration also demonstrates that a rejection based on the combination of Kikinis and Vong as a §102(e)/§103(a) reference would be improper under § 103(c) because Vong and the present invention were commonly assigned to Microsoft Corporation at the time the invention was made. Accordingly, the rejection of claims 7-9 under a combination of Kikinis and Vong is improper and claims 7-9 are allowable.

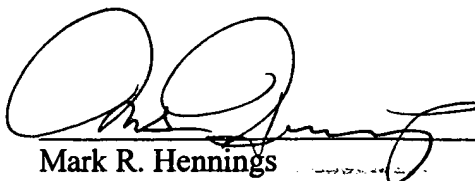
CONCLUSION

Applicants respectfully request favorable consideration for the allowance of claims 1-22. It is respectfully submitted that all claims in this case are patentable and that the application is in condition for allowance. Should any further aspects of the application remain unresolved, the

Examiner is invited to telephone Applicants' attorney at the number listed below. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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